

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

LARRY A. BAGSBY,

Plaintiff/Counter-Defendant,

v.

Case Number 00-10153-BC  
Honorable Thomas L. Ludington

TINA GEHRES, SCHNELZ, WELLS, MONAGHAN  
AND WELLS, P.C.,

Defendants,

SYLVIA GEHRES, DENNIS GEHRES,  
LOIS GEHRES, KATHY HALE, RUSSELL HALE,

Defendants/Counterclaimants.

-and-

TINA GEHRES,

Third-party Plaintiff,

v.

TIMOTHY HOGAN, PATRICK BERRIGAN,  
JOSEPH GREEN, TIMOTHY LEE, BENICIA  
BAKER-LIVORSI,

Third-party Defendants.

---

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**  
**AND VACATING ORDER OF REFERENCE**

This matter is before the Court on a report issued by Magistrate Judge Charles E. Binder on September 20, 2007, recommending that a previously issued order of reference be vacated. No party has filed any objections to the magistrate judge's report and recommendation. The failure to object to the magistrate judge's report releases the Court from its duty to independently review the record.

*Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the effect of the recommendation of the magistrate judge, which acknowledges that the magistrate judge cannot conduct all proceedings and order entry of judgment without the consent of all parties to proceed before the magistrate judge. *See* 28 U.S.C. § 636(c).

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt #349] is **ADOPTED** and the order of reference of November 22, 2004 is **VACATED**.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: October 15, 2007

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 15, 2007.

s/Tracy A. Jacobs  
TRACY A. JACOBS